NEW YORK TIMES, THURSDAY, DECEMBER 22, 1988

Letters

Who Really Ran the Oliver North Operation?

To the Editor:

In reference to "Justice for Oliver North" (editorial Dec. 1): If the prosecutor, Lawrence E. Walsh, Judge Gerhard Gesell and Oliver L. North's defense team are to bring about justice in the cases that have been brought against Mr. North, John M. Poindexter and their co-defendants, they are all going to have to learn a lot more about the way in which this Government carries out clandestine operations and the elaborate covert infrastructure that supports them. Despite the countless pages of material that have been made available and the tons more that have not, the facts behind this Iran hostage exchange fiasco remain obscure and unheeded. Let's explore but a single facet of this many-sided undercover structure.

A covert operation, once approved at National Security Council level, is assigned to an operating authority. In this case, it was assigned to a cell within the National Security Council staff structure, and from there that cell had the authority to fan out through the Government for support. The National Security Council knew this was a covert operation. The cell knew it too; but most elements of the remainder of the Government that participated may not have known. It was truly a "black" operation.

The formalization of this undercover procedure began on March 15, 1954, with the approval by the Eisenhower National Security Council of N.S.C. 5412, "N.S.C. Directive on Covert Operations." One of the basic elements of this scheme required the application of the old National Economy Act of 1932, as amended. In the 1955-56 period, Larry Houston, then general counsel of the Central Intelligence Agency, and I, then involved in Air Force support of clandestine C.I.A. activities, had a lot to do with writing these procedures.

One of the most important processes covered is the permanent or temporary use of active-duty military personnel in support of covert operations. Many members of the military are assigned to other agencies, and those agencies become responsible for their salaries and for their command and control. Other members of the military are assigned temporarily, and the parent service retains the command line to these men, i.e., they work in one place (say the National Security Council), but they are paid and controlled by another (Department of Defense, Navy, Marine Corps).

If justice is to be done in the cases of Mr. North and Mr. Poindexter, the prosecutor is going to have to make it abundantly clear for whom they were working and from whom they took their orders, regardless of where they sat and where they appeared to work. Mr. North could not have been working, officially, for either National Security Adviser, Robert C. McFarlane or Mr. Poindexter, when he was being paid by the Navy as a Marine Corps lieutenant colonel. A military officer can have but one commander. This rule applies to thousands of members of the military every day and not to Mr. North and Mr. Poindexter alone.

Despite the "stunningly foolish, knavish and deceitful series of acts by men claiming to act for the President," one must not be misled by the cover story. Mr. North and Mr. Poindexter were military men on active duty, and their indisputable commanders were members of the Department of Defense-Navy-Marine Corps structure. Those are the men who must bear the responsibility for what they have done.

Why is the record silent about them? After all, the Secretary of Defense is a member of the National Security Council, and on many occasions he said that the Economy Act process was used in this hostage exchange and in the following contra support. He knew that. He participated in the decision.

You may be more accurate than you intend in saying: "If Oliver North cannot be tried fairly and openly, it will mean that those entrusted with secrets" — their bosses — "can escape prosecution even if they willfully abuse their trust."

It may well be that the wrong men are about to be tried and for the wrong reasons.

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Alexandria, Va., Dec. 1, 1988

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